

**GREG WINSTON**

1 correct?

2 A. Correct, to my understanding, yes.

3 Q. And all of their findings to the district  
4 attorney, as far as you're concerned, that was their  
5 duty?

6 A. That's generally what they do, yes.

7 Q. And the district attorney decided who to charge  
8 and what the sentence is to be?

9 A. Yes.

10 MR. KNIGHT: That's all I have, Your Honor.  
11 Thank you.

12 THE COURT: All right. Thank you.

13 MR. SEATON: That's all.

14 THE COURT: Thank you, sir.

15 MR. SEATON: Next witness is Joshua -- wait a  
16 minute.

17 (Off-the-record discussion between  
18 plaintiff's counsel.)

19 MR. SEATON: I'm sorry. Greg Winston.

20 THE COURT: Craig Winston? Greg Winston.

21 MR. SEATON: Yes, Greg Winston.

22 THE COURT: Yes.

23 (The witness was duly sworn.)

24 GREG WINSTON,

25 called as a witness at the instance of the parties,

1 BY MR. KNIGHT:

2 Q. Good afternoon, Mr. Winston.

3 A. Good afternoon, sir.

4 Q. You're familiar with TCI?

5 A. Yes, sir.

6 Q. And what TCI does, in addition to providing

7 some training, they also inspect facilities; correct?

8 A. Yes, sir.

9 Q. And they note deficiencies and then give the

10 facility an opportunity to correct the deficiencies?

11 A. Yes, sir.

12 Q. And then whether or not they correct them, they

13 certify them; correct?

14 A. Correct.

15 Q. Are you aware of -- I mean, you've testified at

16 length here today about training and this, that, the

17 other. You were a jail superintendent; correct?

18 A. Yes, sir.

19 Q. Hold any other positions -- you went through a

20 little bit too fast for me -- other than being a jail

21 superintendent supervising other employees?

22 A. Yes, sir, I did. I -- up to 400 at one time,

23 supervisors as well as, you know, line staff.

24 Q. Is it fair to say, Mr. Winston, just because

25 you train someone or because it's written down somewhere

1 that this is what you should do doesn't mean it's going  
2 to be done?

3 A. That's true. That's fair.

4 Q. You have quite a bit of experience in  
5 corrections. I believe we all can see that.

6 An officer would have to have the ability to  
7 intervene. Wouldn't you agree with me?

8 A. Yes, sir.

9 Q. And, I mean, you're -- you're from Virginia;  
10 correct?

11 A. Yes, sir.

12 Q. And that's a different, I think, circuit,  
13 but --

14 A. Fourth.

15 Q. Fourth Circuit?

16 A. Yes.

17 Q. We're in the Sixth Circuit. The Sixth Circuit  
18 indicates that if something is going on and it's less  
19 than a few seconds, then there's no constitutional duty  
20 imposed upon an individual officer to intervene --

21 A. Okay.

22 Q. -- because it's impossible.

23 A. Right.

24 Q. Does the Fourth Circuit have a similar rule?

25 A. No. In fact, it -- the Commonwealth of

1 Virginia just passed a couple of justice reform laws  
2 that codified the requirement to train on intervention  
3 and the obligation to intervene in times of excessive  
4 use of force.

5 Q. If I went over there and punched Mr. --

6 MR. SEATON: Smith.

7 BY MR. KNIGHT:

8 Q. -- Smith in the face, could you intervene with  
9 that?

10 A. No, sir. I'd let the bailiff do that.

11 Q. Yeah, that -- could the bailiff intervene?  
12 Could he have stopped the punch?

13 A. No, sir.

14 Not questioning your ability to intervene in  
15 the fistfight, but --

16 Q. Oh -- oh, I was getting to -- you had quite a  
17 bit of experience in corrections. A lot of these  
18 individuals are combative; correct?

19 A. Yes, sir.

20 Q. A lot of them spit at you; correct?

21 A. Correct.

22 Q. Cuss at you?

23 A. Yes, sir.

24 Q. Yell at you?

25 A. Yes, sir.

1 Q. They don't want to be there?

2 A. That's right.

3 Q. And they'll do anything not to be there?

4 A. Correct.

5 Q. And a lot of times that -- when you're in  
6 corrections, you don't always know what went on at the  
7 arrest scene; correct?

8 A. Correct.

9 Q. You may just be notified that you have a  
10 combative inmate coming in, and you don't know: One,  
11 what that inmate -- what -- what that arrestee has done  
12 or what that arrestee has ingested or what that arrestee  
13 has hid or not hid or anything like that?

14 A. Yes, sir.

15 Q. Have you performed an audit of the statistics  
16 of the arrestees coming in and out of the Campbell  
17 County Jail?

18 A. No, sir.

19 Q. So when you say that it's obvious that  
20 something like this is going to happen again, during the  
21 administration of Mr. -- of Sheriff Goins, which -- he  
22 was the sheriff in 2019 -- and subsequently with Sheriff  
23 Barton, are you aware of any other type of incidents?

24 A. No, sir.

25 MR. KNIGHT: That's all I have.

1           Because these jail staff are aware that they've  
2   got a combative person coming; right?

3   A.           I'm not exactly -- I'm not exactly sure what  
4   the words were, how it was transmitted from dispatch.  
5   But clearly by virtue of the fact they were waiting  
6   inside the sally port, there was evidence that they were  
7   suspicious of -- of what was coming in.

8   Q.           And it's reasonable that an officer who's been  
9   involved in a pursuit and an arrest may be at a  
10   different level of mindset than a jail staff who doesn't  
11   know what's just happened?

12   A.           Correct.

13   Q.           And so there is a reasonably foreseeable --  
14   it's foreseeable that that officer might be agitated?

15   A.           Frustrated, yes.

16   Q.           Because he's just had to be with this person  
17   for however long it takes to get to the jail?

18   A.           I've witnessed it, yes, sir.

19   Q.           And so that's reasonable that the jail staff  
20   anticipate that hey, the officer may be in an agitated  
21   state as well as the detainee?

22   A.           And that's part of the training.

23   Q.           Thank you, sir.

24   A.           Yes, sir.

25                           RECROSS-EXAMINATION

1 BY MR. KNIGHT:

2 Q. You're unaware of either of these jail  
3 individuals knowing anything about Mr. Ling; correct?

4 A. I'm sorry, sir. Say that again?

5 Q. You're -- you're unaware of any -- either of  
6 these corrections officers knowing anything about  
7 Mr. Ling, what he had done, what he had ingested, what  
8 he had hid, or anything; correct?

9 A. No, sir.

10 Q. Is it fair to say that arrestees are different  
11 and react differently to different situations?

12 A. Yes.

13 Q. I mean, what may make one arrestee stop, say  
14 hey, they're changing teams, I'm going to be okay and  
15 another arrestee is going to say, hey, I'm going to keep  
16 fighting?

17 A. Right.

18 Q. Thank you.

19 A. Yes, sir.

20 THE COURT: Thank you, sir.

21 THE WITNESS: Yes, sir. Thank you, Judge.

22 MR. SEATON: Our -- our last witness is Joshua  
23 Miller.

24 THE COURT: All right. That's your final  
25 witness?



1 MR. SMITH: Yes, Your Honor.

2 (Off-the-record discussion between counsel.)

3 MR. KNIGHT: Your Honor, can we take a brief  
4 recess?

5 THE COURT: Okay. How much --

6 MR. KNIGHT: I anticipate as a last witness he  
7 may take a little longer --

8 THE COURT: Okay.

9 MR. KNIGHT: -- and we may run into 4:00.

10 THE COURT: Okay.

11 MR. KNIGHT: I'm not sure.

12 THE COURT: All right. Let's take -- 10  
13 minutes enough? Let's take about 10 minutes, ladies and  
14 gentlemen.

15 (Brief recess.)

16 (Subsequent proceedings were heard but  
17 not requested to be transcribed herein.)

18 THE COURT: Thank you all. Please be seated.  
19 All right. Mr. Seaton, call your next witness.

20 MR. SEATON: Joshua Miller, Your Honor.

21 THE COURT: Okay.

22 (The witness was duly sworn.)

23 JOSHUA MILLER,  
24 called as a witness at the instance of the parties,  
25 having been first duly sworn, was examined, and